

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Conservation Law Foundation,  
Inc.

v.

Civil No. 11-cv-353-JL

Public Service Company of New  
Hampshire

**O R D E R**

Pursuant to this court's orders of September 4, 2012 and November 2, 2012, the stay is lifted, as the Sixth Circuit has issued its opinion in United States v. DTE Energy et al., No. 11-2328. The defendant's motion to dismiss counts 1-4 pursuant to [Rule 12\(b\)\(6\)](#) (document no. [15](#)) is reinstated, and the court has undertaken active consideration of that motion. If either party wishes to submit additional briefing regarding the import of the Sixth Circuit's decision to the defendant's motion, it may do so **on or before April 12, 2013**. Any such submission shall not exceed five (5) pages.

It is the court's practice to hear oral argument on all dispositive motions, but if NEITHER party desires oral argument, counsel are asked to so notify the Deputy Clerk as soon as practicable and the court will issue an order based on the filings. If the Deputy Clerk is not so informed by **April 5, 2013**, a hearing will be scheduled. If there is any reason that the court should not actively consider the motion at this time

(such as an imminent settlement or planned, potentially successful mediation), counsel are requested to immediately notify the Deputy Clerk.

**SO ORDERED.**

  
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Joseph N. Laplante  
United States District Judge

Dated: March 28, 2013

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